

CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending November 08, 1997

Hughes STX Corporation v. DOC— GSBCA No. 14296-COM

Fred Kopatich and Ed Weber met with the attorney for Hughes STX to discuss the status of the case. We have jointly agreed to request an audit of Hughes' claim to resolve any issues of quantum. We also tentatively agreed that summary judgment motions may be appropriate to address whether Hughes is entitled to any recovery. are working on the case.

Technical Systems Associates, Inc. v. DOC— GSBCA No. 13277-COM

Respondent's Motion to Compel Responses to Interrogatories and Request for Production of Documents was granted in part and denied in part on 10/28/97. Appellant has noticed the taking of depositions of respondent's prospective witnesses for the week of 11/17/97. Respondent has advised appellant that it wishes to take depositions of its prospective witnesses during the week of December 1 or December 8, 1997. The Board ordered appellant to advise it by 11/6/97 as to whether it will file a claim for an equitable adjustment. Terry H. Lee has the case.

QuanTech, Inc. v. DOC GAO No. B-278380.1

This protest has been settled. NOAA notified GAO on November 3, 1997, that it would take corrective action. Terry H. Lee also sought dismissal of the protest. On November 4, 1997, protestor notified GAO that it was withdrawing its protest.

U.S. Trade Representative Delegation to Japan

Fred Kopatich assisted NOAA in briefing members of a U.S. Trade Representative delegation which is traveling to Japan this week to discuss Japanese government procurement practices and Japan's compliance with the 1990 agreement opening its public sector supercomputer procurements to U.S. vendors. The delegation members were briefed on recent developments in U.S. procurement law and the procedures NOAA is using to acquire a Class VIII supercomputer for the National Centers for Environmental Prediction.

Appeal of Digicon—GSBCA 13903-COM

We filed the Government's response to Appellant's Motion for Summary Relief, as well as our Cross-Motion for Summary Relief. Appellant argues that it is entitled to an additional fee on the costs for the extra work it performed in this cost plus fixed fee contract, because the extra work should be found by the Board, as a matter of law, to represent a constructive change. The Government will be arguing that, as a matter of law, the extra work represented a cost overrun within the original scope of work, not a constructive

change, and therefore Appellant would not be entitled to any additional fee. The underlying additional costs, upon which the claimed fee is based, have already been paid. The amount in dispute is approximately \$130,000. Ken Lechter has the case.

Technical Systems Associates, Inc. v. DOC— GSBCA No. 13277-COM

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NOAA Weather Wire Replacement

Mark Langstein and Amy Freeman attended a meeting of the Source Evaluation Board in this procurement to replace and restructure NOAA Weather Wire Services. The SEB is presently considering the Source Selection Plan and portions of the Statement of Work. We advised that drafts of all RFP sections could be made immediately available on the Internet.

Actions Completed/Received during Period

	From 10/26/97	To 11/8/97	
	Received		Completed
NOAA	6		1
NTIS	1		1
PTO	2		1
Total	<u>9</u>		<u>3</u>

Contract Law Division—Client Workload Period Ending 11/08/97

